

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TINA MARIE PARKER,

Plaintiff,

v.

MICHAEL ASTRUE, Commissioner of
Social Security,

Defendant.

Case No.: 11-2891 JSC

**ORDER DISMISSING ACTION FOR
FAILURE TO PROSECUTE**

Plaintiff Tina Marie Parker, through counsel, filed this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of a final decision by Defendant Michael J. Astrue, the Commissioner of the Social Security Administration, denying her disability benefits. Defendant filed an answer to the Complaint on October 19, 2011. (Dkt. No. 8). Plaintiff failed to file her motion for summary judgment within 28 days as required by Local Rule 16-5.

On December 9, 2011, the Court ordered Plaintiff to show cause why this action should not be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). (Dkt. No. 11). The Court also granted Plaintiff an extension of time, up through

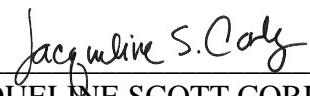
1 December 23, 2011, to file her motion for summary judgment. Plaintiff was warned that
2 failure to comply with the Court's order might result in the dismissal of this action.

3 To date, Plaintiff has not responded to the Court's December 9, 2011 order nor has
4 Plaintiff filed her motion for summary judgment. Accordingly, this action is dismissed for
5 failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

6 The Clerk shall close this file.

7 **IT IS SO ORDERED.**

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9 Dated: January 17, 2012

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11 JACQUELINE SCOTT CORLEY
12 UNITED STATES MAGISTRATE JUDGE

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Northern District of California